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No. 82-1260

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

COPPERWELD CORPORATION AND REGAL TUBE COMPANY,
Petitioners,

v.

INDEPENDENCE TUBE CORPORATION,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

MOTION FOR LEAVE TO FILE AND BRIEF OF AMERICAN IRON AND STEEL INSTITUTE AS AMICUS CURIAE IN SUPPORT OF THE PETITION

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MOTION FOR LEAVE TO FILE BRIEF OF AMERICAN IRON AND STEEL INSTITUTE AS AMICUS CURIAE IN SUPPORT OF THE PETITION

The American Iron and Steel Institute ("AISI") hereby moves, pursuant to Rule 36.1 of the Rules of this Court, for leave to file the attached brief as amicus curiae. The consent of counsel for the petitioners has been obtained. The consent of counsel for the respondent was requested but refused.

As described in the brief (*infra*, pp. 1, 2), AISI is a non-profit trade association whose members include 63 domestic companies engaged in the manufacture and sale of iron and steel products within the United States. The domestic member companies of AISI account for approximately 90 percent of the raw steel produced in the United States.

AISI has an interest in having this Court review the decision below. The intra-enterprise conspiracy doctrine, which allows federal antitrust suits to be brought when a plaintiff can identify a "conspiracy" between a parent corporation and its wholly-owned subsidiary, creates difficult problems for AISI member companies and their legal counsel. AISI member companies commonly use subsidiaries for a variety of business reasons. For example, six of the largest AISI member companies have a total of 145 wholly-owned subsidiaries. Therefore, AISI member companies face regularly the uncertainty caused by the current state of the intra-enterprise conspiracy doctrine.

AISI believes that the intra-enterprise conspiracy question presented here can be resolved in a way that is predictable in operation and commensurate with the policies underlying the antitrust laws. Because it represents the interests of a number of companies who face intra-enterprise conspiracy problems in a wide variety of contexts, AISI is in a position to present to this Court the broader problems the doctrine presently poses for the business community.

For these reasons, the motion for leave to file the attached amicus curiae brief should be granted.

Respectfully submitted,

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February 1983

QUESTION PRESENTED

AISI believes that the question presented is stated adequately in the Petition:

> Is a parent corporation capable of conspiring with its wholly-owned subsidiary in violation of Section 1 of the Sherman Act?

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
TABLE OF AUTHORITIES	iii
INTEREST OF THE AMICUS	1
STATEMENT OF THE CASE	3
REASONS FOR GRANTING THE WRIT	4
1. The Current Confusion In Intra-Enterprise Conspiracy Doctrine Can Only Be Remedied By This Court	4
2. The Various Approaches Of The Lower Courts Provide No Consistency Or Predictability	6
3. None Of The Current Formulations Of The Doctrine Is Workable In Practice Or Consistent With Antitrust Policy	8
4. This Court Should Adopt The Rule Suggested By Petitioners	9
CONCLUSION	11
APPENDIX (American Iron and Steel Institute, Domestic Company Members)	1a

TABLE OF AUTHORITIES

	Page
CASES:	
Aaron E. Levine & Co. v. Calkraft Paper Co., 429 F. Supp. 1039 (E.D. Mich. 1976)	7
Battle v. Liberty Nat'l Life Ins. Co., 493 F.2d 39 (5th Cir. 1974), *cert. denied*, 419 U.S. 1110 (1975)	7
Beckman v. Walter Kidde & Co., 316 F. Supp. 1321 (E.D.N.Y. 1970), *aff'd per curiam*, 451 F.2d 593 (2d Cir. 1971), *cert. denied*, 408 U.S. 922 (1972)	7
Brown Shoe Co. v. United States, 370 U.S. 294 (1962)	11
Call Carl, Inc. v. BP Oil Corp., 403 F. Supp. 568 (D. Md. 1975), *aff'd in part and rev'd in part on other grounds*, 554 F.2d 623 (4th Cir.), *cert. denied*, 434 U.S. 923 (1977)	7
Columbia Metal Culvert Co. v. Kaiser Aluminum & Chemical Corp., 579 F.2d 20 (3d Cir.), *cert. denied*, 439 U.S. 876 (1978)	6
Connell Construction Co. v. Plumbers and Steamfitters Local 100, 421 U.S. 616 (1975)	9
Continental T.V., Inc. v. GTE Sylvania Inc., 433 U.S. 36 (1977)	9,10
Cromar Co. v. Nuclear Materials & Equipment Corp., 543 F.2d 501 (3d Cir. 1976)	7
Diehl & Sons v. International Harvester Co., 426 F. Supp. 110 (E.D.N.Y. 1976)	7
George R. Whitten, Jr., Inc. v. Paddock Pool Builders, Inc., 508 F.2d 547 (1st Cir. 1974), *cert. denied*, 421 U.S. 1004 (1975)	6,7
Harvey v. Fearless Farris Wholesale, Inc., 589 F.2d 451 (9th Cir. 1979)	7
H&B Equipment Co. v. International Harvester Co., 577 F.2d 239 (5th Cir. 1978)	6
Kiefer-Stewart Co. v. Joseph E. Seagram & Sons, Inc., 340 U.S. 211 (1951)	4,5
Ogilvie v. Fotomat Corp., 641 F.2d 581 (8th Cir. 1981)	6,7

Page

Ostrofe v. H.S. Crocker Co., 670 F.2d 1378 (9th Cir. 1982), *petition for cert. filed*, 51 U.S.L.W. 3075 (U.S. Aug. 2, 1982) (No. 82-174) 10

Perma Life Mufflers, Inc. v. International Parts Corp., 392 U.S. 134 (1968) 4,5

Photovest Corp. v. Fotomat Corp., 606 F.2d 704 (7th Cir. 1979), *cert. denied*, 445 U.S. 917 (1980) 6

Sunkist Growers, Inc. v. Winckler & Smith Citrus Products Co., 370 U.S. 19 (1962) 5,9

Thomsen v. Western Electric Co., 680 F.2d 1263 (9th Cir.), *cert. denied*, 103 S.Ct. 348 (1982) 6

Timken Roller Bearing Co. v. United States, 341 U.S. 593 (1951) 2,4,5

TV Signal Co. v. American Telephone and Telegraph Co., 462 F.2d 1256 (8th Cir. 1972) 7

United States v. Arnold, Schwinn & Co., 388 U.S. 365 (1967) 9

United States v. Citizens & Southern National Bank, 422 U.S. 86 (1975) 5

United States v. Philadelphia National Bank, 374 U.S. 321 (1963) 11

United States v. Yellow Cab Co., 332 U.S. 218 (1947) 2,4,5, 9,10

William Inglis & Sons Baking Co. v. ITT Continental Baking Co., 668 F.2d 1014 (9th Cir. 1981), *cert. denied*, 103 S.Ct. 57 (1982) 7

Windsor Theatre Co. v. Walbrook Amusement Co., 94 F. Supp. 388 (D. Md. 1950), *aff'd*, 189 F.2d 797 (4th Cir. 1951) 7

STATUTES:

15 U.S.C. § 1 ..... i,6

15 U.S.C. § 2 4

15 U.S.C. § 7 11

OTHER AUTHORITIES:

ABA Antitrust Section, Monograph No. 2, *Vertical Restrictions Limiting Intrabrand Competition* (1977) 10

	Page
Areeda, *Antitrust Analysis* (3d ed. 1981)	8,10
Baker, *Vertical Restraints in Times of Change: From White to Schwinn to Where?*, 44 Antitrust L. J. 537 (1975)	10
Hutter, *"Dirty Tricks" and Section One of the Sherman Act: Federalizing State Unfair Competition Law*, 18 B.C. Indus. & Com. L. Rev. 239 (1977)	10
Note, *Intra-Enterprise Conspiracy Under Section 1 of the Sherman Act: A Suggested Standard*, 75 Mich. L. Rev. 717 (1977)	5
Note, *"Conspiring Entities" Under Section 1 of the Sherman Act*, 95 Harv. L. Rev. 661 (1982)	7
Report of the United States Attorney General's National Committee to Study the Antitrust Laws (1955)	7
Sullivan, *Handbook of the Law of Antitrust* (1977)	2
United States Department of Justice, 1977 *Antitrust Guide for International Operations*	5
Willis & Pitofsky, *Antitrust Consequences of Using Corporate Subsidiaries*, 43 N.Y.U. L. Rev. 20 (1968)	5

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BRIEF OF AMERICAN IRON AND STEEL INSTITUTE AS AMICUS CURIAE IN SUPPORT OF THE PETITION

INTEREST OF THE AMICUS

The American Iron and Steel Institute ("AISI") is a New York not-for-profit corporation whose members include 63 domestic companies engaged in the manufacture and sale of iron and steel products within the United States. AISI includes among its members Copperweld Corporation, one of the petitioners in this case. The domestic member companies of AISI (all of which are listed in the Appendix to this brief) account

for approximately 90 percent of the raw steel produced in the United States.

Copperweld is not unique among AISI members in conducting its various lines of business through separately incorporated subsidiaries. AISI member companies commonly use subsidiaries for a variety of business reasons. For example, six of the largest AISI member companies have a total of 145 wholly-owned subsidiaries.

Thus, AISI members face regularly the uncertainty caused by the intra-enterprise conspiracy doctrine. For these companies and their counsel, the fact that "[t]he cases, commentary and settled practices [under the doctrine] are in disarray"[1] is no mere academic problem. In organizing or purchasing a new enterprise, the practical benefits of separate incorporation must be weighed against increased risks of antitrust liability. In assessing corporate plans or conduct, rules on what conduct constitutes an "intra-enterprise conspiracy" must be consulted, and the risk that normal communication, coordination, and decisionmaking in a multi-company enterprise may be characterized as a conspiracy must be assessed. The uncertain state of the intra-enterprise conspiracy doctrine makes difficult the decisions that must be taken regarding these important practical issues.

In the 30 year span between the first involvement of an AISI member company in an intra-enterprise conspiracy case (*Timken Roller Bearing Co. v. United States,* 341 U.S. 593 (1951)) and the most recent (the decision below), intra-enterprise conspiracy lawsuits, inconsistent formulations of the doctrine, and essentially arbitrary results have all been on the increase.[2] Consequently, so have the problems created for companies like the members of AISI who wish to organize their enterprises efficiently, conform their conduct to the law, and protect themselves from treble damages.

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[1] Sullivan, *Handbook of the Law of Antitrust* § 114, at 323 (1977).

[2] Since *United States v. Yellow Cab Co.*, 332 U.S. 218 (1947), there have been 190 reported decisions involving the intra-enterprise conspiracy doctrine. A compendium of the decisions appears in Appendix H to the Petition.

STATEMENT OF THE CASE

In 1972, Copperweld bought an unincorporated division of Lear Siegler, Inc., that made structural steel tubing. Copperweld made the division into a wholly-owned subsidiary, called the Regal Tube Company. Copperweld and the subsidiary were the defendants below, and they are the petitioners here.

David Grohne ran Regal when it was a division of Lear Siegler. After the sale of the division, he set up his own company to manufacture structural steel tubing. This company, Independence Tube Co., was the plaintiff below and is the respondent here.

Copperweld had negotiated a non-competition agreement with Lear Siegler in connection with the sale, but the agreement did not cover Grohne personally. Copperweld sent letters to Grohne's potential suppliers informing them of the possibility of litigation if Grohne used Regal's proprietary information or technology. The Yoder Company then refused to supply a tubing mill that Independence had ordered. Independence found a substitute supplier, but there was a delay in delivery of an operational mill, and this delay was the damage alleged by Independence in a suit brought in the United States District Court for the Northern District of Illinois.

On these facts, a jury found that, under state tort law, Copperweld—but not Regal—was guilty of interference with contractual relations, and found that, under Federal antitrust law, Copperweld and Regal were guilty of a conspiracy in restraint of trade. On the issue of the capacity of Copperweld and Regal to conspire, the jury was instructed to decide whether Copperweld and Regal were a "single economic entity" and to base their decision on all the facts which they, the jury, found to be relevant. While stressing that the jury "must consider all of the facts," the district court directed particular attention to a list of nine factors which it had constructed specifically for this case. The "extent of integration of ownership" was not specifically identified as a factor.

The district court also instructed the jury that Independence's antitrust injury was identical to its injury from the

state tort claim of interference with contractual relations. The jury set the tort damages at $2,499,009, and the district court trebled these damages because of the "conspiracy" between Copperweld and its wholly-owned subsidiary. The state tort law claim and the award of compensatory damages are not at issue here.

On appeal by Copperweld and Regal, the Seventh Circuit affirmed. It recognized the "almost uniformly critical" academic assessment of the intra-enterprise conspiracy doctrine; it acknowledged that commentators conclude that private plaintiffs use the doctrine to attack "basically unilateral action" which does not offend Section 2 of the Sherman Act; and it admitted that the test it endorsed remained "unsettled" and open-ended. Nonetheless, the court of appeals reasoned that the decisions of this Court precluded a wholesale reexamination of intra-enterprise conspiracy doctrine and expressed hope that its "fact-bound," "inferential," open-ended test would be "refined" over time and the "uncertainties . . . obviated."

REASONS FOR GRANTING THE WRIT

1. The Current Confusion In Intra-Enterprise Conspiracy Doctrine Can Only Be Remedied By This Court.

This Court's 1947 decision in *United States v. Yellow Cab Co.*, 332 U.S. 218 (1947), has been taken to establish a "rule" that "common ownership and control does not liberate corporations from the impact of the antitrust laws." *Kiefer-Stewart Co. v. Joseph E. Seagram & Sons, Inc.*, 340 U.S. 211, 215 (1951). The heart of the problem is that nobody knows how broad the *Yellow Cab* rule really is or to what range of situations—no matter how far removed from the facts of *Yellow Cab*—the rule will apply. Each of this Court's subsequent decisions endorsing the rule[3] involved special facts that would

[3] *E.g., Perma Life Mufflers, Inc. v. International Parts Corp.*, 392 U.S. 134 (1968); *Timken Roller Bearing Co. v. United States*, 341 U.S. 593 (1951); *Kiefer-Stewart Co. v. Joseph E. Seagram & Sons, Inc.*, 340 U.S. 211 (1951).

justify decision on some narrower basis.[4] Various later cases suggest some limitations to the broad doctrine.[5] None of this Court's decisions, however, provides a competitive rationale or a workable standard for determining which parent-subsidiary relationships may be characterized as "conspiracies".

Without additional guidance from this Court, the lower courts have been unable to apply the doctrine in a consistent fashion. The multiplicity of lower court tests, standards, and factors presents a situation where business torts may become treble damage antitrust violations, neutral management arrangements may become incriminating factors, and juries are often left to decide when it is "sensible"—presumably from the viewpoint of antitrust policy—to regard a parent corporation and its wholly-owned subsidiary as a "single economic entity" or as co-conspirators. While this situation contributes to the leverage of private plaintiffs, there is no public policy benefit which justifies the practical costs of unpredictability and of the ensuing unnecessarily frequent and complex antitrust litigation.

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[4] Thus, *Kiefer-Stewart* can be understood as simply a case of coerced vertical price-fixing. Willis & Pitofsky, *Antitrust Consequences of Using Corporate Subsidiaries*, 43 N.Y.U. L. Rev. 20, 45 (1968). In *Perma Life*, this Court identified an alternative basis for liability — namely, that there was an illegal "combination between [defendants] and [plaintiff], as of the day he unwillingly complied with the restrictive franchise agreements." 392 U.S. at 142. And *Timken* has been explained as a horizontal conspiracy between independent companies which "could not be saved by a subsequent stock affiliation." United States Department of Justice, 1977 *Antitrust Guide for International Operations* at 12. *See also* Note, *Intra-Enterprise Conspiracy Under Section 1 of the Sherman Act: A Suggested Standard*, 75 Mich. L. Rev. 717, 726 (1977). In sum, there is much truth in the Seventh Circuit's characterization of the *Yellow Cab* rule as "sweeping dicta." 691 F.2d at 318. There is nothing to indicate that this Court intended in *Yellow Cab* or in any of the subsequent cases that the rule should be applied in the case of a parent and a wholly-owned subsidiary where the subsidiary is simply the arm or agency through which a business is conducted, a business not otherwise conducted by the parent—that is, a situation where there is no aggregation of capacity or market power.

[5] *See United States v. Citizens & Southern National Bank*, 422 U.S. 86 (1975); *Sunkist Growers, Inc. v. Winckler & Smith Citrus Products Co.*, 370 U.S. 19 (1962); *see also Kiefer-Stewart*, 340 U.S. at 215.

2. The Various Approaches Of The Lower Courts Provide No Consistency Or Predictability.

The indeterminate "all the facts and circumstances" approach to capacity to conspire, which the Seventh Circuit used below, is only one of several inconsistent approaches used in the lower courts. As the Eighth Circuit has stated: "The circuits . . . do not agree on the limits of [the] intra-enterprise conspiracy doctrine." *Ogilvie v. Fotomat Corp.*, 641 F.2d 581, 587 (8th Cir. 1981).

Moreover, the circuits do not even agree on what sort of an issue a claim of intra-enterprise conspiracy presents. Some circuits use a rule which focuses on the status of the corporate entities, i.e., as a matter of law, the mere fact of separate incorporation provides a plurality of actors.[6] Other circuits, like the Seventh, use an approach which focuses on operational details, i.e., these courts examine all the facts and circumstances surrounding the day-to-day working relationships and communications between commonly-owned corporate entities to determine whether they operate as a "single economic entity."[7] Other courts assess the challenged conduct, i.e., the relevant

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[6] The First, Third, and Fifth Circuits have held, as a matter of law, that a parent and its wholly-owned subsidiary automatically provide the plurality of actors required by Section 1. *George R. Whitten, Jr., Inc. v. Paddock Pool Bldrs., Inc.*, 508 F.2d 547, 557 (1st Cir. 1974), *cert. denied*, 421 U.S. 1004 (1975); *Columbia Metal Culvert Co. v. Kaiser Alum. & Chem. Corp.*, 579 F.2d 20, 33-34 & n.49 (3d Cir.), *cert. denied*, 439 U.S. 876 (1978); *H&B Equipment Co. v. International Harvester Co.*, 577 F.2d 239, 244-45 (5th Cir. 1978).

[7] The Seventh, Eighth, and Ninth Circuits have held that separately incorporated but related corporations that function as a single economic unit cannot conspire, but that issue requires an analysis of "all the facts and circumstances" regarding the corporations' inter-relationships. *Photovest Corp. v. Fotomat Corp.*, 606 F.2d 704, 726-27 (7th Cir. 1979), *cert. denied*, 445 U.S. 917 (1980); *Ogilvie v. Fotomat Corp.*, 641 F.2d 581, 587-90 (8th Cir. 1981); *Thomsen v. Western Electric Co.*, 680 F.2d 1263 (9th Cir.), *cert. denied*, 103 S. Ct. 348 (1982).

inquiry is whether the conduct is "internal" or "external."[8] Yet others focus on the competitive relationship between the alleged "conspirators," i.e., whether the corporations hold themselves out, or actually function, as competitors may or may not be considered important.[9]

Corporate counsel cannot be certain which circuit would be the forum for an intra-enterprise conspiracy challenge. Consequently, when faced with these "tests" and others,[10] corporate

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[8] "This . . . test has been criticized as vague and unworkable." Note, *"Conspiring Entities" Under Section 1 of the Sherman Act*, 95 Harv. L. Rev. 661, 673 n.70 (1982); *see Ogilvie*, 641 F.2d at 588 n.20. The 1955 Attorney General's report took the position that the intra-enterprise conspiracy doctrine should apply to agreements that impose "coercive restraint[s on] the trade of strangers to the corporate family." Report of the United States Attorney General's National Committee to Study the Antitrust Laws 34 (1955).

[9] Several cases have indicated that whether a parent and a subsidiary hold themselves out, or actually function, as competitors is important. *See Aaron E. Levine & Co. v. Calkraft Paper Co.*, 429 F. Supp. 1039, 1043-44, 1046 (E.D. Mich. 1976); *Call Carl, Inc. v. BP Oil Corp.*, 403 F. Supp. 568, 572-73 (D. Md. 1975), *aff'd in part and rev'd in part on other grounds*, 554 F.2d 623 (4th Cir.), *cert. denied*, 434 U.S. 923 (1977); *Beckman v. Walter Kidde & Co.*, 316 F. Supp. 1321, 1325-26 & n.6 (E.D.N.Y. 1970), *aff'd per curiam*, 451 F.2d 593 (2d Cir. 1971), *cert. denied*, 408 U.S. 922 (1972). Other cases either ignore or attack this point as a consideration. *Cromar Co. v. Nuclear Materials & Equipment Corp.*, 543 F.2d 501, 511 (3d Cir. 1976) (In rejecting defendants' contention that a parent and a wholly-owned subsidiary cannot conspire unless they have held themselves out as competitors, the court stated: "[W]e find the absence of any appearance of competition between the defendants irrelevant to their potential Sherman Act liability.") A number of circuits have rejected the actual competitor test. *See, e.g., William Inglis & Sons Baking Co. v. ITT Continental Baking Co.*, 668 F.2d 1014, 1054-55 (9th Cir. 1981), *cert. denied*, 103 S.Ct. 57 (1982); *George R. Whitten, Jr., Inc. v. Paddock Pool Builders*, 508 F.2d 547, 557 (1st Cir. 1974), *cert. denied*, 421 U.S. 1004 (1975); *Battle v. Liberty Nat'l Life Ins. Co.*, 493 F.2d 39, 44 (5th Cir. 1974), *cert. denied*, 419 U.S. 1110 (1975); *see also TV Signal Co. v. American Tel. & Tel. Co.*, 462 F.2d 1256, 1260 (8th Cir. 1972) (indicating doubt whether actual competitor test limits the intra-enterprise doctrine); *Diehl & Sons v. International Harvester Co.*, 426 F. Supp. 110, 117 (E.D.N.Y. 1976) (rejecting actual competitor test).

[10] The Fourth and Ninth Circuits have endorsed the "sole decision-maker" rule which holds that there is no capacity to conspire when affiliated corporations are owned and controlled by one person who has the power to make decisions as to both. *Windsor Theatre Co. v. Walbrook Amusement Co.*, 94 F. Supp. 388, 396 (D. Md. 1950), *aff'd*, 189 F. 2d 797 (4th Cir. 1951); *Harvey v. Fearless Farris Wholesale, Inc.*, 589 F.2d 451 (9th Cir. 1979).

counsel do not have an adequate basis upon which to frame their advice.

3. None Of The Current Formulations Of The Doctrine Is Workable In Practice Or Consistent With Antitrust Policy.

None of the various formulations of the intra-enterprise conspiracy doctrine is satisfactory. The "all the facts and circumstances" test used by the Seventh, Eighth, and Ninth Circuits casts an important issue of law and policy as a purely factual issue for the jury. The fact issue is described as whether the conspirators are a "single economic entity" based on all the facts that are "relevant" in the particular case. The concept of "single economic entity" is amorphous in itself, and when it is defined in terms of the evidence "relevant" to defining it, the whole inquiry becomes circular. This "test," which involves consideration of "various unranked factors" on a "list [that] will expand or contract," 691 F.2d at 318, gives a jury free rein to assess treble damages for what is essentially unilateral conduct. Because this "test" will, necessarily, be applied haphazardly, it offers inadequate guidance. And, although the court below suggested that "the uncertainties that necessarily exist now will be obviated as the test is applied and refined," *id.*, there is little cause for such optimism. An ad hoc, "variety of factors," test, which is divorced from antitrust policy, is an inadequate basis upon which to build coherent doctrine.

At the other end of the spectrum, the First, Third, and Fifth Circuits follow a formal, absolute rule: separate corporations are capable of conspiracy despite their degree of common ownership or affiliation. This rule is neither rational in policy terms nor as predictable as it may seem. "The business, tax, social, or strategic reasons for separate incorporation do not make it any more or less likely that competition is being harmed by the defendant's activities. The fortuity of independent incorporation does not serve to identify the behavior that the antitrust laws should control." Areeda, *Antitrust Analysis* ¶ 334, at 399-400(3d ed. 1981).

Although the absolute rule provides a clear answer to the "capacity" question, it has resulted in a lack of clarity as to illegality. Because the rule is overbroad, some courts have devised special rules which focus on the challenged conduct. Indeed, the internal/external inquiry can be understood as an awkward attempt to avoid the unwarranted imposition of antitrust liability on unobjectionable everyday conduct in a multi-corporate enterprise.

The other tests—*e.g.*, the holding out or the sole decisionmaker tests—do not even purport to be "rules" in any formal sense. That is, there is no circuit which consistently applies these tests to the broad range of intra-enterprise conspiracy problems. As a result, depending on the facts presented, a particular court may or may not choose to invoke one of these tests. And, because these tests are applied in an ad hoc fashion, they offer little guidance.

4. This Court Should Adopt The Rule Suggested By Petitioners.

The rule suggested by petitioners offers this Court an opportunity to reconcile the broad statements of *Yellow Cab* with the central perception of *Sunkist* that "grave legal consequences [should not be imposed] upon organizational distinctions that are of *de minimis* meaning and effect. . . ." 370 U.S. at 29. An approach based upon ownership and legal control would bring about greater predictability and eliminate a situation in which antitrust liability can rest on the formality of whether a company chooses to operate through separately incorporated subsidiaries or through divisions.

In *Continental T.V., Inc. v. GTE Sylvania Inc.*, 433 U.S. 36 (1977), this Court faced a similar problem: the legality of various distribution arrangements had come to rest largely upon distinctions between "sale" on the one hand and "consignment" or "agency" on the other. *See United States v. Arnold, Schwinn & Co.*, 388 U.S. 365 (1967). By attaching greater risks to one form of operation than to the other, the antitrust laws skewed business choices with a risk factor unrelated to "competition based on efficiency." *Connell Construction Co. v. Plumbers and Steamfitters Local 100*, 421 U.S. 616,

633 (1975). Lower court decisions created many exceptions to this flat but irrational rule.[11] In a similar fashion with the intra-enterprise conspiracy doctrine, this Court's "sweeping dicta" in *Yellow Cab* and the subsequent confusion in the lower courts have left businessmen with a legal "standard" which is both unpredictable and unrelated to antitrust goals. Thus, the need and the opportunity are the same as in *GTE*: to provide much-needed guidance by adopting an approach that reflects antitrust principle and competitive reality. The approach should also provide reasonable certainty as to the types of organizational form and business conduct that will run afoul of the doctrine.

At the outset, this Court should make one thing clear: a parent and a wholly-owned subsidiary should, as a matter of law, be incapable of conspiring. In such a situation, there is a complete unity of interest, and the only basis for a "conspiracy" finding is a factor—organizational form—that is irrelevant to antitrust policies.

An approach based on ownership or control would have the virtue of making antitrust analysis turn on competitive effects instead of form. Substantially anticompetitive unilateral behavior "should be addressed by reconsidering the rules governing unilateral behavior rather than pretending that unilateral behavior is conspiratorial. Furthermore, the unilateral behavior that ought to be controlled should be controlled without regard to the fortuitous fact of separate incorporation." Areeda, *supra*, at 401. Adoption of this rule would eliminate the haphazard imposition of penal measures (i.e., treble damages) for conduct that, at best, would otherwise entitle a plaintiff to compensatory damages under state tort law.[12]

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[11] *See* ABA Antitrust Section, Monograph No. 2, *Vertical Restrictions Limiting Intrabrand Competition* (1977); Baker, *Vertical Restraints in Times of Change: From White to Schwinn to Where?*, 44 Antitrust L.J. 537 (1975).

[12] "In recent years, antitrust litigation has been characterized by the efforts of private parties to fit within the contours of Section 1 of the Sherman Act conduct which consists of 'garden variety' unfair competitive practices normally reachable under state rather than federal law." Hutter, *"Dirty Tricks" and Section One of the Sherman Act: Federalizing State Unfair Competition Law*, 18 B.C.Indus. & Com.L.Rev. 239, 239 (1977) (footnotes omitted). *Cf. Ostrofe v. H.S. Crocker Co.*, 670 F.2d 1378, 1392 (9th Cir. 1982) (Kennedy, J., dissenting), *petition for cert. filed*, 51 U.S.L.W. 3075 (U.S. Aug. 2, 1982) (No. 82-174).

This case affords this Court an opportunity to establish a straightforward rule that would be easily understood by businessmen, judges, and juries. Adoption of the rule suggested by petitioners would reduce dramatically the current adverse impact of the intra-enterprise conspiracy doctrine on business planning and judicial administration.[13]

CONCLUSION

For the reasons set forth above and for the additional reasons advanced in the Petition, the writ of certiorari should be granted.

Respectfully submitted,

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February 1983

[13] This Court's decision in *United States v. Philadelphia National Bank*, 374 U.S. 321 (1963), came only a year after this Court's first interpretation of amended Clayton Act § 7 in *Brown Shoe Co. v. United States*, 370 U.S. 294 (1962), which had announced a "variety of factors" type test for illegality. In explaining the much simpler *Philadelphia* test, Justice Brennan stated: "[I]n any case in which it is possible, without doing violence to the congressional objective embodied in [Clayton Act] § 7, to simplify the test of illegality, the courts ought to do so in the interest of sound and practical judicial administration." *United States v. Philadelphia National Bank*, 374 U.S. at 362.

APPENDIX

American Iron and Steel Institute

Domestic Company Members

Allegheny Ludlum Steel Corporation
AL Tech Specialty Steel Corporation
American Cast Iron Pipe Company
Armco Inc.
Atlantic Steel Company
The Babcock & Wilcox Company
Bekaert Steel Wire Corporation
Bethlehem Steel Corporation
Bristol Metals, Inc.
Carpenter Technology Corporation
CF&I Steel Corporation
Charter Manufacturing Company, Inc.,
Charter Rolling Division
The Cleveland-Cliffs Iron Company
Columbia Tool Steel Co.
Consolidated Metals Corp.
Continental Copper & Steel Industries, Inc.
Copperweld Corporation
Cyclops Corporation
Electralloy Corporation
A. Finkl & Sons Co.
Florida Steel Corporation
Green River Steel Corporation
The Hanna Mining Company
Harsco Corporation
Ingersoll Johnson Steel Company
Inland Steel Company
Intercontinental Metals Corporation
Interlake, Inc.
The International Metals Reclamation Company, Inc.
(INMETCO)
Jessop Steel Company
Jones & Laughlin Steel Incorporated
Earle M. Jorgensen Company

Joslyn Stainless Steels, Division of
Slater Steel Inc.
Kaiser Steel Corporation
Keystone Consolidated Industries, Inc.
Korf Industries, Inc.
Laclede Steel Company
Lone Star Steel Company
Lukens, Inc.
McLouth Steel Products Corporation
National Steel Corporation
North Star Steel Company
Northwestern Steel and Wire Company
Oglebay Norton Company
Oregon Steel Mills, Division of
Gilmore Steel Corporation
Phoenix Steel Corporation
Pickands Mather & Co.
Raritan River Steel Company
Republic Steel Corporation
Roblin Industries, Inc.
Rome Strip Steel Company, Inc.
Sandvik, Inc.
Sharon Steel Corporation
Sharon Tube Company
Shenango Incorporated
Teledyne Vasco, Division of
Teledyne Industries, Inc.
The Timken Company
Union Electric Steel Corporation
United States Steel Corporation
Valley Mould & Iron Company
Washington Steel Corporation
Wheatland Tube Company
Wheeling-Pittsburgh Steel Corporation